

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ERIC PARHAM, individually and on behalf of all :  
others similarly situated, : Case No. 1:19-cv-08975-PGG-SDA  
  
Plaintiff, :  
  
v. :  
  
ALDI INC., :  
  
Defendant. :

**JOINT STIPULATION AS TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

Plaintiff Eric Parham (“Plaintiff”), by counsel, and Defendant Aldi Inc. (“Aldi”), by counsel, hereby stipulate and agree as follows:

1. On May 20, 2020, Plaintiff timely filed his First Amended Complaint. (Dkt. No. 16). This First Amended Complaint contained typographical errors. (*Id.*)
2. On May 21, 2020, Plaintiff sought leave to correct the typographical errors in the First Amended Complaint. (Dkt. No. 17)
3. On May 22, 2020, the Court granted Plaintiff leave to correct the typographical errors in the First Amended Complaint. (Dkt. No. 18).
4. On May 22, 2020, Plaintiff filed a corrected First Amended Complaint. (Dkt. No. 19). This corrected First Amended Complaint rectified the typographical errors that were contained in the First Amended Complaint filed at Docket No. 16 and contained no new allegations. However, the May 22, 2020 corrected First Amended Complaint did not include the exhibits that were attached to the original Complaint. (Compare Dkt. Nos. 1 and 19)
5. On May 29, 2020, Plaintiff wrote the Court requesting permission to file in one pleading the corrected First Amended Complaint filed at Docket No. 19 together with the exhibits that were included with the original Complaint. (Dkt. No. 22)

6. On June 3, 2020, Aldi timely filed a request for a pre-motion conference in anticipation of its motion to dismiss the corrected First Amended Complaint filed at Docket No. 19. (Dkt. No. 24)

7. On June 6, 2020, the Court granted Plaintiff permission to file the corrected First Amended Complaint with exhibits in one pleading. (Dkt. No. 26)

8. On June 8, 2020, Plaintiff filed the corrected First Amended Complaint with exhibits in accordance with the Court's June 6, 2020 Order. (Dkt. No. 28) This First Amended Complaint with exhibits is identical to the corrected First Amended Complaint filed by Plaintiff at Docket No. 19 to which Aldi filed its request for a pre-motion conference.

9. On June 10, 2020, Plaintiff filed his response to Aldi's request for a pre-motion conference. (Dkt. No. 29)

10. That, as a result, Aldi should not be required to file a response to Plaintiff's corrected First Amended Complaint with exhibits that was filed on June 8, 2020.

11. That Aldi's request for a pre-motion conference in anticipation of its motion to dismiss (Dkt. No. 24) shall be deemed its response to Plaintiff's June 8, 2020 corrected First Amended Complaint with exhibits (Dkt. No. 28).

Dated June 11, 2020

Respectfully submitted

/s/ Spencer Sheehan

Spencer Sheehan, Esq.  
Sheehan & Associates, P.C.  
505 Northern Boulevard, Suite 311  
Great Neck, New York 11021  
Telephone: (516) 303-0552  
spencer@spencersheehan.com  
*Counsel for Plaintiff*

/s/ Philip A. Goldstein

Philip A. Goldstein, Esq.  
McGuireWoods LLP  
1251 Avenue of the Americas, 20<sup>th</sup> Fl.  
New York, NY 10020  
Telephone: (212) 548-2167  
pagoldstein@mcguirewoods.com  
*Counsel for Defendant Aldi, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been filed electronically on the **11th day of June**. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

/s/ Philip A. Goldstein

Philip A. Goldstein, Esq.

McGuireWoods LLP

1251 Avenue of the Americas, 20<sup>th</sup> Fl.

New York, NY 10020

Telephone: (212) 548-2167

pagoldstein@mcguirewoods.com

*Counsel for Defendant Aldi Inc.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ERIC PARHAM, individually and on behalf of all	:	
others similarly situated,	:	Case No. 1:19-cv-08975-PGG-SDA
	:	
Plaintiff,	:	
	:	
v.	:	
	:	<b>ORDER AS TO PLAINTIFF’S FIRST</b>
ALDI INC.,	:	<b><u>AMENDED COMPLAINT</u></b>
	:	
Defendant.	:	
	:	
	:	
	:	
	:	
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Plaintiff Eric Parham, by counsel, and Defendant Aldi Inc., by counsel, having filed their Joint Stipulation As To Plaintiff’s First Amended Complaint, AND THE COURT, having been duly advised, NOW FINDS that the same should be granted.

IT IS, THEREFORE, ORDERED that Aldi Inc.’s June 3, 2020 request for a pre-motion conference in anticipation of its motion to dismiss the corrected First Amended Complaint (Dkt. No. 24) shall be deemed its response to Plaintiff’s corrected First Amended Complaint with exhibits filed at Dkt. No. 28.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Hon. Paul G. Gardephe, U.S.D.J.